

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

RANCHHODBHAI N. PATEL, et al.,

Plaintiff,

Case No. 3:08 CV 2235

-vs-

MEMORANDUM OPINION

U.S. CITIZENSHIP AND  
IMMIGRATION SERVICES,

Defendant.

KATZ, J.

This matter is now before the Court on the Defendants' motion to dismiss (Doc. 21) on the ground of *res judicata*. The motion will be granted.

The Plaintiffs have filed an abbreviated response (Doc. 25) to the motion, lodging *pro forma* objections on the grounds that: one of the Plaintiffs, Rinalkumar Patel, was not "covered by the class action"; and that the Plaintiffs "were not given notice" of the class or an "opportunity to opt out" or be "represented by counsel of their choice." For the reasons stated in the two briefs Defendants have filed in connection with this motion (Docs. 21, 26), the Court is persuaded that the recent decision of the Central District of California, *Costelo v. Chertoff*, 2009 WL 4030516 (C.D. Cal. Nov. 10, 2009), is *res judicata* as to all claims in this suit.

Therefore, the motion to dismiss (Doc. 21) is granted, and the case closed.

IT IS SO ORDERED.

s/ David A. Katz  
DAVID A. KATZ  
U. S. DISTRICT JUDGE